

Detailed Planning Analysis
 City File Number: OZS-2022-0016

Overview:

The proposal has been reviewed and evaluated against the Planning Act, the City’s Official Plan, the Bram West Secondary Plan (Area 40a) and other applicable City of Brampton guidelines and priorities.

It shall be noted that the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), and the Region of Peel Official Plan do not speak to policies related to temporary use zoning by-laws and were not reviewed for the purposes of this analysis.

The Planning Act:

The Planning Act is the provincial legislation which sets the rules for land use planning in Ontario. Part 1, Section 2 of the Act includes matters of Provincial Interest, which the Council of a municipality must have regard to. This proposal has regard for the following specific matters of provincial interest:

Criteria to be Considered	Analysis
<i>(a) the protection of ecological systems, including natural areas, features and functions</i>	This proposal will require Site Plan Approval to ensure that the ecological features located on site are conserved. The implementing by-law will include restrictions including setbacks to the natural heritage features.
<i>(h) – the orderly development of safe and healthy communities;</i>	This proposal represents orderly development as it will make efficient use of land.
<i>(k) – the adequate provision of employment opportunities;</i>	This proposal will permit development of an outdoor storage which will support employment uses.
<i>(p) – the appropriate location of growth and development;</i>	This proposal is within an appropriate location for growth and development as it is within a designated greenfield area.

Additionally, Part 5, Section 39 of the Act includes matters related to land use controls, particularly Temporary Use Provisions. The application is consistent with the temporary use provisions of the Planning Act in terms of:

Planning Act S. 39 Policies	Analysis
<p><i>(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.</i></p>	<p>The application fulfills the requirements of this section. The proposed by-law to permit an extension of the temporary use is limited to a three year period.</p>
<p><i>(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.</i></p>	
<p><i>(3) - Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.</i></p>	

City of Brampton Official Plan:

The property is designated “Employment” and “Designated Greenfield” on Schedule 1 – City Concept, “Industrial” and “Open Space” on Schedule A – General Land Use Designations, and “Valleyland/Watercourse Corridor” on Schedule D – Natural Heritage Features and Areas.

Section 5.10 of the Official Plan outlines criteria for evaluating and applying Temporary Use By-laws to permit the use of land for a limited period of time. The following policies from Section 5.10 are applicable:

Official Plan: S. 5.10 Policies	Analysis
<p>S. 5.10.1 - <i>The City may enact temporary use by-laws for renewable periods of not more than 3 years, permitting the use of land, buildings or structures on a temporary basis. The provisions of Section 39 of the Planning Act, 1990, regarding the enactment and subsequent extensions to such by-laws shall apply.</i></p>	<p>The proposed Zoning By-law amendment is consistent with the policy of the Official Plan listed above. The Zoning By-law amendment would permit the application, and subsequent extensions, of the temporary use for a three year period.</p>
<p>Section 5.10.2, Subsection i - <i>The proposed temporary use does not create or aggravate any situation detrimental to adjacent complying uses</i></p>	<p>Staff is of the opinion that the temporary use does not create a situation detrimental to the adjacent complying uses. The temporary storage of oversized vehicles is not dissimilar to the current uses of adjacent lands and would be considered consistent with the uses existing on those lands</p>
<p>Section 5.10.2, Subsection ii - <i>The temporary use does not adversely affect surrounding uses in terms of air pollution, odour, noise, light or traffic generation</i></p>	<p>Staff is of the opinion that the temporary use does not adversely affect surrounding uses. There is a proposed noise barrier to be erected on site that is intended to mitigate noise effects on the surrounding residential properties.</p> <p>A Site Plan Application will be required finalize the design of the mitigation measures.</p>
<p>Section 5.10.2, Subsection iii - <i>The temporary use does not interfere with the development of adjacent areas that are developing in accordance with this Plan</i></p>	<p>Staff is of the opinion that the temporary use will not interfere with the development of adjacent areas that are developing in accordance with the Official Plan.</p>
<p>Section 5.10.2, Subsection iiv - <i>Adequate provision will be made for off-street parking and loading facilities</i></p>	<p>Staff is of the opinion that the temporary use, as indicated, will provide sufficient on-site parking. There are 20 personal motor vehicle spaces, 100 oversized spaces, and will not contain loading facilities. The parking allocations provided will meet the needs associated to the development.</p>

<p>Section 5.10.2, Subsection v - <i>The temporary use does not create a service demand that the City and other relevant public authorities cannot fulfill</i></p>	<p>Staff is of the opinion that that the temporary use will not create a service demand that could not be fulfilled. Specifically, as it relates to the natural heritage features to the rear, including flood hazards and wetlands, the new below grade stormwater management chamber will be sufficient in eliminating additional service demands.</p>
<p>Section 5.10.3 - <i>Temporary Use by-laws may be passed without the necessity of amending this Plan provided the use is a temporary one which utilizes largely existing or temporary buildings and structures and does not require the extensive construction of permanent buildings or structures or, the significant alteration of the land to accommodate the temporary use</i></p>	<p>Staff is of the opinion that the use is a temporary one and does not require significant alteration of the land to accommodate the temporary use. There will be no temporary or permanent buildings erected on-site to accommodate the proposed use. All other elements of the proposal have the ability to be removed and the land restored to its previous condition.</p>

The proposal is consistent with the temporary use policies of the City of Brampton Official Plan.

Bram West Secondary Plan Area 40(a):

The subject land is largely designated “Highway & Service Commercial” and a small north-eastern portion is designated “Standard Industrial” in the Bram West Secondary Plan Area 40(a). The portion of the property where the development would take place is designated “Highway & Service Commercial.”

The “Highway and Service Commercial” designation permits a range of automobile and commercial uses, such as automobile services stations, gas bars, repair facilities, sales and leasing establishments, and associated uses. Although the use is not permitted in the ‘Highway and Services Commercial’ designation, an amendment to the Secondary Plan is not required, as the proposal satisfies the temporary use policies in Section 5.10 of the Official Plan.

Zoning By-law:

The property is zoned “Agricultural (A)” by By-law 270-2004 as amended. An amendment to the Zoning By-law is required in order to permit the proposed use. The applicant is proposing a Temporary Use By-law for a three year period to permit the

outside storage and parking use. A copy of the proposed Temporary Zoning By-law is attached to the Recommendation Report. The By-law will include the uses permitted and will explicitly speak to the number of parking spaces available, as well as the extent of the development that can be achieved in order to protect and maintain the regulatory areas to the rear of the property.

Land Use:

Staff is of the opinion that this temporary use is appropriate for the subject lands. The proposed use is industrial in nature and is generally permitted within industrial areas. This use will protect and preserve the subject land for future employment uses. For this use to be permanent, further justification would be required. Approval of the temporary use does not imply that it is appropriate as a permanent use. The outdoor storage and parking use will provide a service that is required.

Technical Requirements:

A summary of each of the supporting documents submitted in support of this Temporary Use By-law is provided in the following sections.

Planning Justification Report:

A Planning Justification Report prepared by Glen Schnarr & Associates Inc. and dated February 2022, and then further revised with the date being October 2022, was submitted to the City to provide rationale supporting the development. It contains a review of the associated policies within the Planning Act, Provincial Policy Statement, the Region of Peel Official Plan, the City's Official Plan and Zoning By-law.

Staff has reviewed the report and is satisfied with the justification provided by the applicant that the proposed use meets the intent of the Official Plan specifically Section 5.10 – Temporary Use By-laws.

Archaeological Assessment and Heritage Impact Assessment:

A Stage 1 & Stage 2 Archaeological Assessment prepared by the Archeologists Inc. dated September 6, 2021 was submitted in support of the subject application. This report has been reviewed by staff and found to be satisfactory as there were no impacts to the heritage features located within the area.

Phase 1 & 2 Environmental Site Assessments:

An Environmental Site Assessment prepared by Golder dated April 2021 was submitted in support of the subject application. The report outlines potential environmental site issues. This report has been reviewed by staff and found to be satisfactory.

Functional Servicing and Stormwater Management Report:

A Functional Servicing and Stormwater Management Report prepared by The Municipal Infrastructure Group Ltd. (TMIG), dated January, 2022 – and revised August, 2022, was submitted in support of the subject application. The report outlines the stormwater management scheme for the site.

This report has been reviewed by staff and has been found to be generally satisfactory. The proposal includes a new below grade stormwater management chamber which is expected to provide filtration, water retention, infiltration and quantity storage requirements. A site plan review and approval will be required for this proposal to ensure the development is appropriate and acceptable.

Environmental Impact Study (Addendum):

An Environmental Impact Study prepared by North-South Environmental Inc., dated October 7, 2022, was submitted in support of the subject application. The study outlines how the environmental features could be impacted by the proposed development.

This report has been reviewed by staff and has been found to be generally satisfactory. The proposal will maintain the two headwater drainage features. Site Plan review and approval will be required for this proposal to ensure the development is appropriate and acceptable.

Environmental Noise Report:

An Environmental Noise Report prepared by Jade Acoustics dated January 04, 2022 was submitted in support of the subject application. The report examines if there would be any negative noise impacts from the proposed development as well as offering mitigating solutions to ensure the operations do not disrupt the existing neighbourhood.

The report found that under a typical operational scenario the use can comply with Ministry of Environment, Conservation and Parks criteria at the nearest facades of the existing residential buildings with the proposed mitigation measures. The proposal also includes a new noise barrier that would assist in mitigating noise impacts on adjacent properties. This report has been reviewed by staff and found it to be generally satisfactory.

Transportation Impact Study:

A Transportation Study prepared by Nextrans Consulting Engineers dated January April, 2021 was submitted in support of the subject application. The report examined the existing traffic conditions as well as assessing the proposal and its impacts on the existing infrastructure network.

City and Peel Region staff have reviewed the report and advised the applicant to revise the study to ensure it is consistent with the current proposal, being 100 oversized motor vehicles only and not trailers. The City and Region of Peel have found it to be generally satisfactory.